

# State of Connecticut



## Office of Brownfield Remediation and Development

*The single point of contact for financial and technical assistance from the state*

### **Brownfield Remediation and Revitalization Program**

The Brownfield Remediation and Revitalization Program offer certain liability protection to program participants.

#### **Eligibility Criteria**

Applicants must meet the definition of a bona fide prospective purchaser, an innocent land owner or contiguous property owner. The subject property must meet the definition of a brownfield and have been subject to a release of a regulated substance. Also, an applicant must not be responsible for any pollution on the property, nor be affiliated with any person responsible for the site pollution. The property should not be listed on the national priorities list, the State of Connecticut Superfund Priority List, or subject to corrective action as may be required by RCRA environmental regulatory agencies.

#### **Acceptance into the Program**

The DECD Commissioner in consultation with the Department of Energy & Environmental Protection Commissioner will determine admission of eligible properties based on statewide portfolio factors including: (1) job creation and retention; (2) sustainability; (3) readiness to proceed; (4) geographic distribution of projects; (5) population of the municipality where the property is located; (6) project size; (7) project complexity; (8) duration and degree to which the property has been underused; (9) projected increase to the municipal grand list; (10) consistency of the property as remediated and developed with municipal or regional planning objectives; (11) development plan's support for, and furtherance of, principles of smart growth or transit-oriented development; and (12) other factors as may be determined by the Commissioner. Up to 32 projects per year can be accepted into the program.

#### **Program Requirements**

Applicants who are accepted into the Brownfield Remediation and Revitalization Program shall investigate the release of any regulated substance within the boundaries of the property in accordance with prevailing standards and guidelines and remediate such release in accordance with the brownfield investigation plan and remediation schedule. Applicants shall not be required to characterize, abate and remediate the release of a regulated substance beyond the boundary of the property, except for releases caused or contributed to by such person. Any applicant accepted into the brownfield remediation and revitalization program by the Commissioner shall pay the Department of Energy and Environmental Protection a fee equal to five per cent (5%) of the assessed value of the land, as stated on the last-completed grand list of the relevant town (subject to certain fee waiver provisions).

#### **Permits Expedition**

The DECD permit ombudsman is available to assist applicants in expediting state permits required to implement the project plan and schedule.

#### **Liability Protection**

The Commissioner of Energy and Environmental Protection shall issue applicants who successfully participate and complete the program a closure letter or no audit letter. Applicants shall not be held liable to the state or any third party for the release of any regulated substance at or from the eligible property to another site except and only to the extent that such applicant (A) caused or contributed to the release of a regulated substance that is subject to remediation or exacerbated such condition, or (B) the Commissioner of Energy and Environmental Protection determines the finding was based upon false or misleading information, new information confirms the existence of previously unknown contamination or the applicant is unable to complete the remedial action.